

United States District Court
For the Eastern District of Michigan
Theodore Levin United States Courthouse
231 West Lafayette Boulevard, Room 867
Detroit, Michigan 48226-2708

Chambers of
Patrick J. Duggan
District Judge

(313) 234-5145
FAX (313) 234-5353

December 9, 2008

To: Jeff Seely, Brian E. Jorde
Joseph J. McDonell

Re: Thomas J. Farnsworth v. Grand Trust Western Railroad, Inc.
Case No. 08-11081

Gentlemen:

This letter confirms the telephone conference held on December 9, 2008 relating to plaintiff's request to extend the time for discovery.

The Court's ruling is as follows:

1. Plaintiff may have until **January 31, 2009** to complete discovery.
2. Plaintiff may take the deposition of a 12(b)(6) representative.
3. Plaintiff's counsel shall, within seven (7) days, notify defense counsel as to the area of inquiry that he believes the deposition of the 12(b)(6) representative will cover.
4. Defense counsel shall make the 12(b)(6) representative available for deposition – hopefully, by January 15, 2009.
5. Defendant has filed a motion for summary judgment. Defendant may delay filing a reply to plaintiff's response until ten (10) days after the deposition of the 12(b)(6) representative has been taken.
6. Final Pretrial in this case is rescheduled to:

Tuesday, February 3, 2009 at 2:00 p.m.

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The Court encourages counsel to move quickly to take the deposition so that defense counsel may file the reply giving the Court adequate time to rule on the motion for summary judgment before the pretrial date.

Sincerely,

s/Patrick J. Duggan
United States District Judge

PJD/eac